



New South Wales

State Environmental Planning Policy (Major Projects) Amendment (Luna Park Site) Policy 2005

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Planning. (9039900-1)

FRANK SARTOR, M.P.,
Minister for Planning

State Environmental Planning Policy (Major Projects) Amendment (Luna Park Site) Policy 2005

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Major Projects) Amendment (Luna Park Site) Policy 2005*.

2 Aims of Policy

The aims of this Policy are:

- (a) to amend *State Environmental Planning Policy (Major Projects) 2005* so as:
 - (i) to declare certain development within the Luna Park site to be development to which Part 3A of the *Environmental Planning and Assessment Act 1979* applies by virtue of Schedule 3 to that Policy, and
 - (ii) to control development on part of the cliff top area of the Luna Park site, whether carried out pursuant to an approval under Part 3A of the *Environmental Planning and Assessment Act 1979* or pursuant to a development consent under Part 4 of that Act, and
- (b) to repeal *State Environmental Planning Policy No 56—Sydney Harbour Foreshores and Tributaries*, and
- (c) to amend *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* as a consequence of the repeal referred to in paragraph (b).

3 Land to which Policy applies

This Policy applies generally to the State, and particularly to certain land (lots 1259 and 1260, Deposited Plan 48514) on the cliff top above Luna Park.

4 Amendment of State Environmental Planning Policy (Major Projects) 2005

State Environmental Planning Policy (Major Projects) 2005 is amended as set out in Schedule 1.

**5 Repeal of State Environmental Planning Policy No 56—Sydney Harbour
Foreshores and Tributaries**

*State Environmental Planning Policy No 56—Sydney Harbour
Foreshores and Tributaries* is repealed.

**6 Amendment of Sydney Regional Environmental Plan (Sydney Harbour
Catchment) 2005**

*Sydney Regional Environmental Plan (Sydney Harbour Catchment)
2005* is amended by omitting clause 7 (2) and by inserting instead the
following subclause:

- (2) In the event of an inconsistency between this plan and any
other environmental planning instrument, whether made
before or after this plan, this plan applies to the extent of
the inconsistency.

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Schedule 1 Amendment of State Environmental Planning Policy (Major Projects) 2005

Schedule 1 Amendment of State Environmental Planning Policy (Major Projects) 2005

(Clause 4)

[1] Clause 9A Development for which Minister consent authority under Part 4

Insert after clause 9A (2):

- (3) The provisions in Schedule 6 relating to the carrying out of development described in that Schedule have effect.

[2] Schedule 2 Part 3A projects—specific sites

Omit clause 10 (1) (h) of Schedule 2.

[3] Schedule 2, Map 10

Re-number Map 10—Schedule 2 as Map 2—Schedule 3 and transfer it to the end of Schedule 3.

[4] Schedule 3 State significant sites

Insert after Part 1:

Part 2 The Luna Park site

Division 1 Part 3A projects

1 Part 3A projects

Such development on land identified on Map 2 to this Schedule as has a capital investment value of more than \$5 million.

Division 2 Provisions relating to development on Luna Park site

2 Development near the intersection of Glen and Dind Streets, North Sydney

- (1) This clause applies to land in the cliff top area, near the intersection of Glen and Dind Streets, North Sydney, being such part of Lot 1 DP 1066900 as comprises former Lots 1259 and 1260 DP 48514 (*the cliff top sites*).
- (2) This clause applies to development that, pursuant to clause 1, is a project to which Part 3A of the Act applies.

- (3) Development may be carried out on the cliff top sites for any purpose that is an authorised use under section 6C of the *Luna Park Site Act 1990* in relation to the cliff top area.
 - (4) Any building on the cliff top sites:
 - (a) must not exceed:
 - (i) in the case of a building on land comprising former Lot 1259 DP48514, 44.8 metres in height above Australian Height Datum, or
 - (ii) in the case of a building on land comprising former Lot 1260 DP48514, 31.5 metres in height above Australian Height Datum, and
 - (b) must not encroach on land beneath the canopy of any heritage fig tree.
 - (5) Any building on land comprising former Lot 1259 DP48514, and any parking space on that land, must be set back at least 6 metres from the northern boundary of that land.
 - (6) Subclause (5) does not prevent the erection, within 6 but no closer than 1.7 metres of the northern boundary, of any structure to facilitate vehicular access to parking spaces within the building.
 - (7) Any building erected on the cliff top sites must not interfere with sight lines along Glen and Northcliff Streets to such an extent as to be a hazard to traffic.
 - (8) Any building erected on the cliff top sites, and the process of erecting any such building, must not threaten or damage any heritage fig tree and, in particular, any land beneath the canopy of any heritage fig tree must not be used for any purpose in connection with the erection of any such building.
 - (9) Appropriate arrangements must be made to give public access to the open spaces around any building on the cliff top sites.
 - (10) *State Environmental Planning Policy No 1—Development Standards* does not apply to or in respect of the cliff top sites.
 - (11) In this clause:

cliff top area has the same meaning as it has in Part 2A of the *Luna Park Site Act 1990*.

heritage fig tree means a fig tree that is a heritage item for the purposes of *North Sydney Local Environmental Plan 2001*.
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Schedule 1 Amendment of State Environmental Planning Policy (Major Projects) 2005

[5] Schedule 6 Minister consent authority for Part 4 development

Insert before clause 1:

Part 1 Development for which Minister consent authority

[6] Schedule 6, clause 1

Omit clause 1 (h).

[7] Schedule 6, clause 1 (2)

Insert at the end of clause 1:

- (2) Development (with a capital investment value of not more than \$5 million) within the area identified on Map 2 to Schedule 3.

[8] Schedule 6, Part 2

Insert after clause 3:

Part 2 Additional provisions for the Luna Park site

1 Definition

In this Part, *Luna Park site* means the land described in Map 2 to Schedule 3.

2 Development near the intersection of Glen and Dind Streets, North Sydney

- (1) This clause applies to land in the cliff top area, near the intersection of Glen and Dind Streets, North Sydney, being such part of Lot 1 DP 1066900 as comprises former Lots 1259 and 1260 DP 48514 (*the cliff top sites*).
- (2) This clause applies to development that is not a project to which Part 3A of the Act applies.
- (3) Development may be carried out on the cliff top sites, but only with development consent, for any purpose that is an authorised use under section 6C of the *Luna Park Site Act 1990* in relation to the cliff top area.

- (4) Any building on the cliff top sites:
 - (a) must not exceed:
 - (i) in the case of a building on land comprising former Lot 1259 DP48514, 44.8 metres in height above Australian Height Datum, or
 - (ii) in the case of a building on land comprising former Lot 1260 DP48514, 31.5 metres in height above Australian Height Datum, and
 - (b) must not encroach on land beneath the canopy of any heritage fig tree.
- (5) Any building on land comprising former Lot 1259 DP48514, and any parking space on that land, must be set back at least 6 metres from the northern boundary of that land.
- (6) Subclause (5) does not prevent the erection, within 6 but no closer than 1.7 metres of the northern boundary, of any structure to facilitate vehicular access to parking spaces within the building.
- (7) Development consent must not be granted to the erection of any building on the cliff top sites unless:
 - (a) the Minister is satisfied, after consultation with the Roads and Traffic Authority, that the building will not interfere with sight lines along Glen and Northcliff Streets to such an extent as to be a hazard to traffic, and
 - (b) the Minister is satisfied, on the basis of information provided by the applicant for development consent, that neither the building, nor the process of its erection, will threaten or damage any heritage fig tree and, in particular, that land beneath the canopy of any heritage fig tree will not be used for any purpose in connection with the erection of the building, and
 - (c) the Minister is satisfied that appropriate arrangements will be made to give public access to the open spaces around the building.
- (8) Nothing in any local environmental plan or regional environmental plan applies to or in respect of the carrying out of development on the cliff top sites.
- (9) *State Environmental Planning Policy No 1—Development Standards* does not apply to or in respect of the cliff top sites.

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Schedule 1 Amendment of State Environmental Planning Policy (Major Projects) 2005

(10) In this clause:

cliff top area has the same meaning as it has in Part 2A of the *Luna Park Site Act 1990*.

heritage fig tree means a fig tree that is a heritage item for the purposes of *North Sydney Local Environmental Plan 2001*.

BY AUTHORITY
